

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JOHN PAUL THOMAS,

Plaintiff,

vs.

No. CIV 09-833 WJ/LFG

CECILIA LOPEZ, JOHN ARIAS,
BRIAN RESHETNIK, and
GEORGE TAPIA,

Defendants.

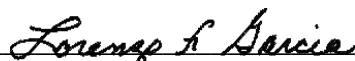
ORDER TO SHOW CAUSE

THIS MATTER is before the Court *sua sponte*. This is a *pro se, in forma pauperis* action brought under 42 U.S.C. § 1983 by Plaintiff John Paul Thomas (“Thomas”). At the time he filed his complaint on August 28, 2009, Thomas was incarcerated at the Penitentiary of New Mexico (“PNM”); he has since been released and now resides in Nebraska. [Doc. 18].

On October 4, 2010, the Court entered an Order Permitting Limited Discovery [Doc. 27], notifying Thomas that he was permitted to serve one interrogatory on Defendants, asking for the names of the individual members of the PNM Publications Review Panel so those individuals could be served with process. Thomas was given until October 25, 2010 to serve this discovery request, and he was advised that his failure to serve discovery as permitted could lead to dismissal of some or all of his claims.

No certificate of service having been filed, the Court assumes that Thomas did not make the discovery request as permitted.

IT IS THEREFORE ORDERED that Plaintiff shall show cause, on or before December 15, 2010, why this case should not be dismissed without prejudice for failure to prosecute. Failure to respond by that date will result in dismissal of this action.


Lorenzo F. Garcia
United States Magistrate Judge